

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 08-CR-20138

vs.

HON. GEORGE CARAM STEEH

DAVID TOMLAN,

Defendant.

_____ /

ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

Defendant David Tomlan has moved the Court to suppress evidence seized during the search of his home, pursuant to a search warrant issued on or about January 16, 2006. Defendant alleges that the affidavit in support of the search warrant does not allege facts sufficient to establish probable cause to search the premises and the search warrant relies upon stale data to support probable cause.

The government responds to defendant's motion to suppress by stating that none of the items seized pursuant to the warrant will be used as evidence against the defendant in any trial in this matter. Accordingly,

IT IS ORDERED that defendant's motion to suppress evidence seized during the search of defendant's home pursuant to the January 16, 2006 search warrant is hereby DENIED as MOOT.

So ordered.

Dated: November 10, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
November 10, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk